

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 933
Judiciary

(Delegate Lee, *et al.*)

Judicial Proceedings

Crimes - Human Trafficking of Minor - Defense of Ignorance of Victim's Age

This bill establishes that a person charged with human trafficking of a minor may not assert a defense that the person did not know the age of the victim.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures if the bill results in more convictions for human trafficking of a minor in the District Court.

Local Effect: Potential minimal increase in local revenues from monetary penalties if the bill increases the number of convictions for human trafficking of a minor in the circuit courts. Expenditures are not affected.

Small Business Effect: None.

Analysis

Current Law: The Criminal Law Article defines a “minor” as an individual younger than 18 years old.

Under the human trafficking prohibition, a person may not knowingly:

- take or cause another to be taken to any place for prostitution;
- place, cause to be placed, or harbor another in any place for prostitution;
- persuade, induce, or entice, or encourage another to be taken to or placed in any place for prostitution;

- receive consideration to procure for or place in a house of prostitution or elsewhere another with the intent of causing the other to engage in prostitution or assignation;
- engage in a device, scheme, or continuing course of conduct intended to cause another to believe that if the other did not take part in a sexually explicit performance, the other or a third person would suffer physical restraint or serious harm; or
- destroy, conceal, remove, confiscate, or possess an actual or purported passport, immigration document, or government identification document of another while otherwise violating or attempting to commit these acts.

A person who commits human trafficking involving an adult victim is guilty of a misdemeanor and subject to maximum penalties of 10 years imprisonment and/or a fine of \$5,000. The misdemeanor offense of human trafficking is subject to prosecution at any time. The violator is subject to confinement in the penitentiary and may reserve a point or question for *in banc* review as provided by the Maryland Constitution.

A person who commits human trafficking involving a victim who is a minor is guilty of a felony and subject to maximum penalties of 25 years imprisonment and/or a fine of \$15,000.

A person who knowingly aids, abets, or conspires in the violation of human trafficking laws or knowingly benefits financially from ventures or activities in violation of State human trafficking laws is subject to the same penalties imposed on a person who violated the applicable statute.

The District Court has concurrent jurisdiction with the circuit courts over the crime of felony human trafficking.

Background: The Maryland State Commission on Criminal Sentencing Policy advises that there has been one conviction in the State's circuit courts for human trafficking of a minor between when the offense was created by the General Assembly in 2007 and fiscal 2012. The conviction occurred in fiscal 2012.

According to the Judiciary, there were two cases in the District Court involving human trafficking of a minor in fiscal 2011.

Additional Information

Prior Introductions: SB 993 of 2012, a similar bill, was heard by the Senate Judicial Proceedings Committee, but no further action was taken.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Office of the Public Defender, State's Attorneys' Association, Maryland State Commission on Criminal Sentencing Policy, Department of Legislative Services

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mc/kdm

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